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Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 IGA-02 L-03 PM-04 DODE-00 CIAE-00
INR-07 NSAE-00 INRE-00 DHA-02 H-01 SS-15 SSO-00 SP-02
/047 W
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O 202130Z DEC 76
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 9174

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E.O.11652: N/A
TAGS: SHUM, MASS, DR
SUBJECT: CONGRESSIONAL REQUIREMENT FOR HUMAN RIGHTS STATEMENT

REF: STATE 304981

1. HEREWITH OUR COMMENTS ON PREPARATION OF STATEMENT REQUIRED BY 1978 SECURITY ASSISTANCE LEGISLATION:

A. WE HAVE PREPARED AND ARE SENDING TO DEPT IN OUR DECEMBER 21 CLASSIFIED POUCH THE SPREAD SHEET REQUESTED IN ASST SEC SHLAUDEMANN'S LETTER OF OCTOBER 28 TO THE AMBASSADOR. INFORMATION IN THAT SHEET SHOULD BE USEFUL FOR DEPT'S REPORT:

B. WE RECOMMEND THAT 1973 AMNESTY INTERNATIONAL REPORT NOT BE CITED SINCE IT HAS BEEN OVERTAKEN BY AI 1976-76 REPORT;

C. WE RECOMMEND THAT SEPTEMBER 1975 REPORT OF THE HUMAN RIGHTS AD HOC COMMITTEE FROM THE UNITED STATES AND CANADA BE CITED. DEPT HAS COPIES OF THE REPORT, AS DOES CONGRESS, AND HAS OUR A-101 OF SEPTEMBER 29, 1975 COMMENTING ON THAT REPORT.

2. FOLLOWING ARE OUR ADDITIONAL COMMENTS ON DRAFT REPORTED REFTEL:

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I. POLITICAL SITUATION. SUGGEST FOLLOWING REVISION OF TEXT:

"THE DOMINICAN REPUBLIC DOES NOT HAVE A LONG TRADITION OF POLITICAL DEMOCRACY. RAFAEL TRUJILLO, THE DICTATOR, HELD ABSOLUTE POWER FROM 1930 TO 1961 AND LEFT A LEGACY OF BRUTALITY AND CONTEMPT FOR HUMAN RIGHTS. AFTER FIVE YEARS OF CHAOTIC AND INEFFECTIVE GOVERNMENTS,

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BALAGUER WAS ELECTED PRESIDENT IN FREE ELECTIONS. HE IS NOW IN HIS THIRD FOUR-YEAR TERM. THE DOMINICAN REPUBLIC IS A REPRESENTATIVE DEMOCRACY WITH AN ELECTED BICAMERAL LEGISLATURE AND AN INDEPENDENT JUDICIARY AS WELL AS AN ELECTED PRESIDENT. MORE THAN A DOZEN POLICIAL PARTIES ARE OFFICIALLY RECOGNIZED AND ACTIVE AND THERE IS AN OUT-SPOKEN, VIGOROUS PRESS. NUMEROUS COMMUNIST POLITICAL GROUPS, NOT RECOGNIZED OFFICIALLY, MEET, SPEAK AND PUBLISH IN RELATIVE FREEDOM, UNLESS THEY ADVOCATE OR PRACTICE VIOLENCE. TERRORISM AND INSURGENCIES IN THE EARLY YEARS OF THE BALAGUER ADMINISTRATION PRODUCED VIOLENT REACTIONS BY THE GOVERNMENT AND MANY ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS. ALL QUARTERS NOW AGREE, HOWEVER, THAT REPRESSIVE INCIDENTS HAVE DIMINISHED IN RECENT YEARS."

3. III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.

ARTICLE 5: ADD "OR PREVALENT."

ARTICLE 9: CHANGE LAST SENTENCE TO: "DISSIDENTS WERE SOME-TIMES EXILED IN THE PAST BUT THERE HAS BEEN NO RECENT SUCH ACTION."

ARTICLE 10: SUBSTITUTE "EVEN FOR" FOR "EXCEPT FOR SOME."

ARTICLE 11: SUBSTITUTE: "TRIALS ARE GENERALLY FAIR AND SENTENCES USUALLY MILD."

4. IV. OTHER HUMAN RIGHTS REPORTING. SUGGEST DEPT DRAW ON FOLLOWING:

A. AMNESTY INTERNATIONAL REPORT 1975-76 (AI 75-76) STATES THAT THE HUMAN RIGHTS SITUATION IN THE DOMINICAN REPUBLIC HAS NOT IMPROVED.

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OBSERVATION: EVEN THE MOST UNCOMPROMISING OPPOSITION PARTIES AND LEADERS AGREE THAT THE GOVERNMENT'S PERFORMANCE ON HUMAN RIGHTS HAS IMPROVED NOTICEABLY IN RECENT YEARS.

A176-76 STATES THAT THE DOMINICAN GOVERNMENT REFUSED TO PER-MIT AN AI MISSION TO ENTER THE COUNTRY. OBSERVATION: IT IS NOT CLEAR WHETHER THE GODR PROHIBITED ENTRY OF A FORMAL AI MISSION. THE FOREIGN UNDER SECRETARY HAS STATED THAT MESSRS. JONES AND CARRO WERE NOT REFUSED ADMISSION TO THE D.R.

A176-76 STATES THAT ARRESTS AND MASS ROUNDUPS OCCUR, THAT HUNDREDS WERE ARRESTED IN 1975. OBSERVATION: WHEN IN JUNE 1975 THREE PUERTO RICAN EXTREMISTS LANDED THREE DOMINICAN GUERRILLAS ON A DOMINICAN BEACH, THE GOVERNMENT ARRESTED SEVERAL HUNDRED LEFTISTS WHO THE GOVERNMENT CONSIDERED TO BE THE GUERRILLAS' MOST LOGICAL CONTACTS.

MOST, IF NOT ALL, WERE RELEASED SOON AFTERWARD.

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B. FOLLOWING ARE STATEMENTS IN THE SEPTEMBER 1975 REPORT OF THE HUMAN RIGHTS AD HOC COMMITTEE FROM THE UNITED STATES AND CANADA (ADHOCCOM 75), AND OUR OBSERVATIONS THEREON.

1. THE GOVERNMENT PREVENTS THE FORMING AND JOINING OF TRADE UNIONS. OBSERVATION: UNIONS, FEDERATIONS AND CONFEDERATIONS EXIST IN GREAT PROFUSION. THE GOVERNMENT CAN, HOWEVER, USE PREROGATIVES UNDER THE LABOR CODE WHICH DATES FROM THE TRUJILLO PERIOD, TO OPPOSE LABOR ACTIVITIES IT CONSIDERS HARMFUL, ACCORDING TO SOME REPORTS, THE GOVERNMENT USES THESE PREROGATIVES TO OPPOSE MAJOR STRIKES AND TO ASSURE THAT LEFTIST UNIONS, SOME OPENLY IDENTIFYING THEMSELVES AS THE AVANT GARDE OF A PROLETARIAN REVOLUTION, DO NOT IN FACT BECOME SIGNIFICANT POWER CENTERS.

2. FOUR LABOR LEADERS, FRANCISCO SANTOS, EUGENIO PEREZ CEPEDA, JULIO DE PENA VALDEZ AND JUAN VARGAS ARE UNDER ARREST.

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OBSERVATION: THEY WERE RELEASED SOON AFTER THE REPORT APPEARED.

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INFO OCT-01 ISO-00 IGA-02 L-03 PM-04 DODE-00 CIAE-00
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3. CAMPESINO LEADERS HAVE BEEN BRUTALLY KILLED. AMONG THEM DONA TINGO AND VIEJO PEDRO. OBSERVATION: THE PRIVATE GUARD OF A LANDOWNER IS CHARGED WITH KILLING FLORINDA SORIANO ("DONA TINGO"). HE WAS ARRESTED AND HIS CASE IS IN THE COURTS. WE CANNOT IDENTIFY SANTIAGO RODRIQUEZ PAULA ("VIEJO PEDRO").

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THE MOST FREQUENT CONFLICTS OCCUR WHEN NEW PURCHASERS OF LAND TRY TO EVICT SQUATTERS, SOME OF WHOM MAY HAVE WORKED A PIECE OF LAND FOR SEVERAL YEARS.

4. HABEAS CORPUS IS ALMOST NON-EXISTENCT. THE CASE OF ELIGIO BLANCO PENA IS CITED AS AN EXAMPLE. OBSERVATION: UNDER THE ANPOLEONIC CODE A SUSPECT MAY BE HELD DURING THE ENTIRE COURSE OF AN "INSTRUCTION," I.E. WHILE THE INVESTIGATING MAGISTRATE COMPILES INFORMATION ABOUT THE CASE. BAIL PRACTICES ARE GENERALLY LESS FAVORABLE TO PRISONERS THAN IN THE U.S. THE BLANCO PENA EXAMPLE IN THE REPORT IS NOT GERMANE TO THE HABEAS CORPUS QUESTION. HE IS SERVING A TWO-YEAR SENTENCE FOR ATTEMPTED MURDER OF A FELLOW PRISONER.

5. THERE IS INHUMANE TREATMENT OF PRISONERS. THE CASE OF PLINIO MATOS MOQUETE IS ADDUCED AS AN EXAMPLE. OBSERVATION: DOMINICAN PRISONS ARE KNOWN TO BE CROWDED AND UNHEALTHFUL AND GUARDS ARE REPORTED TO BE TOUGH. AS IN MOST OF THE WORLD, FOOD, MEDICINES AND COMFORTS BEYOND THE BAREST ESSENTIALS, MUST BE PROVIDED BY FAMILIES. PLINIO MATOS MOQUETE WAS ONCE THE LIMITED OFFICIAL USE

COUNTRY'S MOST WANTED CRIMINAL. SINCE HIS ARREST IN 1973 HE HAS BEEN HELD IN THE CAPITAL AREA AND, MORE RECENTLY, NEAR THE HAITIAN BORDER. THERE IS NO WAY TO VERIFY ALLEGED MISTREATMENT OF MATOS OR THE GOVERNMENT'S DENIALS.

6. THE GOVERNMENT ARBITRARILY PREVENTS FREE SPEECH AND ASSEMBLY OF OPPOSITION POLITICAL PARTIES. THE EXAMPLES OF FRANCISCO PENA GOMEZ, PABLO RAFAEL CASIMIRO CASTRO AND FAFA TAVERAS ARE CITED. OBSERVATION: OPEN-AIR POLITICAL MEETINGS ARE PERMITTED ONLY DURING THE OFFICIAL THREE-MONTH ELECTORAL CAMPAIGN EVERY FOUR YEARS. REGULAR INDOOR MEETINGS OF ALL LEGALLY RECOGNIZED PARTIES TAKE PLACE DAILY ALL OVER THE COUNTRY. PENA AND CASIMIRO, ALONG WITH MARCIO MEJIA RICART OF THE PRD, HAVE BEEN BARRED FROM RADIO AND TELEVISION SINCE MID-1974 WHEN PUBLIC STATEMENTS THEY MADE WERE INTERPRETED BY THE GOVERNMENT AS SUBVERSIVE.

WE KNOW OF NO MEDIA RESTRICTION AGAINST TAVERAS OR OTHER POLITICAL REPRESENTATIVES.

7. MANY DOMINICANS HAVE BEEN FORCED INTO EXILE OR REFUSED RE-ENTRY. OBSERVATION: DEPORTATION FOR SUBVERSIVE ACTIVITIES USED TO BE A COMMON PRACTICE OF THE GOVERNMENT. IT NO LONGER IS, BUT THERE ARE A NUMBER OF DOMINICANS ABROAD WHOM THE GOVERNMENT WILL NOT PERMIT TO RETURN BECAUSE OF THEIR UNAUTHORIZED TRAVEL TO COMMUNIST COUNTRIES OR THEIR RECORDS OF SUBVERSIVE ACTS OR ASSOCIATIONS. THE GOVERNMENT IS NOW REPORTED TO BE CONSIDERING A PLAN TO OFFER VOLUNTARY EXILE AS AN ALTERNATIVE TO PRISON FOR POLITICAL ACTIVISTS CONVICTED OF

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COMMON CRIMES.

8. CANE CUTTERS LIVE AND WORK UNDER UNJUST, UNHEALTHY AND EXPLOITATIVE CONDITIONS. OBSERVATION: THESE ARE AMONG THE POOREST GROUPS IN THIS COUNTRY. NOBODY HAS YET APPEARED WITH A WORKABLE SOLUTION TO THEIR PROBLEM.
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